<center>REMARKS</center>

In response to the Office Action dated March 18, 2009, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 10-15 and 19-21 have been canceled to expedite prosecution. Such cancellation shall not be construed as acquiesce in any rejections.

The Amendment filed October 10, 2008 was objected to as adding new matter. The above amendments to the specification and drawings correct the items found objectionable by the Examiner.

Claims 1-5, 8-15 and 19-21 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to meet the written description requirement. The claims have been amended to reflect the Examiner's interpretation of the specification, that is the first and second data sets are employed to form a third data set, which is an intermediary data set between the first two data sets and the master data set.

Claims 1-5, 8 and 9 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Herz. This rejection is traversed for the following reasons.

Claim 1 recites "generating a third data set based on the first and second attributes when a portion of data associated with the first attribute is substantially similar to a portion of data associated with the second attribute; generating a master data set in response to the third data set; the master data set including a plurality of potential interest elements based on a number of matches between the first and second; and ranking the potential interest elements in the master data set based on the number of matches between the first and second attributes." Herz fails to teach or suggest these features.

Herz teaches ranking items based on similarity to a user profile. For example, Herz teaches ranking hyperlinks in accordance with a relative priority to a user profile (column 48, lines 12-15). This teaching by Herz, however, is directed to ranking target profiles for target objects in electronic media as compared to a user's target profiles. Claim 1 is directed to formation of the master set of data for that user, not to evaluating new items for a match with a user. In claim 1, the first data set is generated by a digital video recording (DVR) device, the second data set is generated by a personal computer. These data sets are used to generate a third data set, and subsequently a master data set. The master data set defines items of

interest to the user. Thus, the processing in claim 1 is all directed to ranking the user's interests. Herz teaches ranking electronic media items that may be of interest to a user, not the user's interests based on actions by the user. Thus, when claim 1 is interpreted properly, Herz does not teach the first, second, third and master data sets of claim 1.

For at least the above reasons, claim 1 is patentable over Herz. Claims 2-5, 8 and 9 depend from claim 1 and are patentable over Herz for at least the reasons advanced with reference to claim 1.

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By:_____
David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103-3207
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

Date: May 29, 2009